

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 10/643,878 Confirmation No.: 5214  
Applicant : Kevin T. FOLEY et al.  
Filed : August 20, 2003  
Title : SYSTEM AND METHOD FOR SECURING A PLATE TO THE  
SPINAL COLUMN  
TC/Art Unit : 3731  
Examiner: : Daniel Jacob DAVIS  
Attorney Docket No. : 64118.000036  
Customer No. : 21967

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

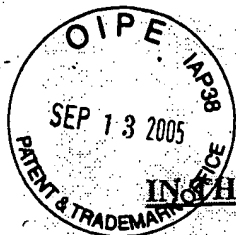
**DECLARATION OF BRIAN A. BURD UNDER 37 C.F.R. § 1.132**

1. My name is Brian A. Burd. I am a United States citizen and reside at 4935 Mockingbird Lane, Memphis, TN 38117.
2. I am a named inventor of the above-referenced application. The other inventors are Dusty Anna Needham and Kevin T. Foley.
3. I have been informed that various claims of the above-referenced application have been rejected by the United States Patent & Trademark Office based on a Medtronic publication titled "Premier<sup>TM</sup> Anterior Cervical Plate System," by Thomas A. Zdeblick, M.D. and Harry N. Herkowitz, M.D., copyright 2000 (the "Premier publication"). The Premier publication is attached hereto as Exhibit A.
4. I have reviewed the Premier publication and can confirm that the subject matter relied upon by the Examiner to reject the claims of the above-referenced application -- including the subject matter disclosed by Figures 21B, 23 and 24 of the Premier publication -- was invented by myself, Dusty Anna Needham and/or Kevin T. Foley.

5. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5 July 65

Brian A. Burd



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**DECLARATION OF JENNIFER JUNE UNDER 37 C.F.R. § 1.132**

1. My name is Jennifer June. I am a United States citizen and reside at 3623 Galloway Avenue in Memphis, TN 38122.
2. Since 1999, I have been employed as a Marketing Specialist in the Marketing Communications Department of Medtronic Sofamor Danek ("Medtronic"), the assignee of the above-referenced patent application.
3. I have been informed that various claims of the above-referenced application have been rejected by the United States Patent & Trademark Office based on a Medtronic publication titled "Premier<sup>TM</sup> Anterior Cervical Plate System," by Thomas A. Zdeblick, M.D. and Harry N. Herkowitz, M.D., copyright 2000 (the "Premier publication"). The Premier publication is attached hereto as Exhibit A.
4. I have reviewed our publication records, and can confirm that the Premier publication was first published and made available to the public on or after October 1, 2000.
5. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. These statements were made with the

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knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7-1-05

Jennifer June  
Jennifer June